

REMARKS

Reconsideration of this application is respectfully requested.

The indication of allowable subject matter of claim 6, 8, 13 and 15 is appreciatively noted.

The rejection of claims 1.5, 5-15 and 20 under 35 U.S.C. § 102 as allegedly anticipated by Barham '047 is respectfully traversed – – for reasons already of record. However, it is hoped that this rejection is now mooted by the above amendments.

By the above amendments, nearly all of the features of claim 6 have been incorporated into independent claim 1. Similarly, nearly all the features of claim 13 are now found in independent claim 10.

Given that the Examiner has indicated claims 6 and 13 allowable, it is expected that the Examiner will find the new amended claims allowable. The amended claims certainly now include a key feature of earlier claims 6 and 13 which is that the (variable) reactivity parameter ('xi' or 'ξ') is present as an exponent of the current rate on the right-hand side of the iterative equation. It is that feature which enables the 'phase' of the algorithm to be adjusted during data transmission – the advantageous effects of which are discussed at page 25 lines 10 to 15 and beyond.

When the reactivity parameter is zero, then the iterative equation in claim 1 corresponds to the equation given in Barham at 16:36, however, when the reactivity parameter is, for example, 1, then the change in the sending rate is that much more aggressive since it involves multiplying the change in rate which would be obtained were the reactivity parameter zero, by the current rate. When considering the above, the Examiner might wish to note that the equation at 16:36 of Barham mistakenly includes the time differential term (dt) on both sides – it should be just on one side or the other. Hence, the features of amended claims 1 and 10 provide an

advantage over Barham in that they enable the ‘phase’ of the data rate algorithm to be adjusted during data transmission. There is no suggestion in Barham as to how the advantage might be achieved. Hence, amended claims 1 and 10 are non-obvious over Barham.

Page 12 lines 9 to 17 (which teaches that the rate control is performed continually while the service is being delivered – i.e. during data transmission); the paragraph bridging pages 16 and 17 (which teaches that the rate controller calculates the optimal data rate using a rate control algorithm...which calculates an optimal target rate in order to adapt to changing congestion conditions); page 25 lines 11, 12 (which discloses that the variable parameter weights the data rate to be requested), page 26 lines 12 and 13 (which disclose that the algorithm generates rapidly changing data rate requests when x_i is set to one) and page 26 lines 20 to 22 (which discloses that setting x_i to -1 results in the requested transfer rate being adapted slowly) and page 25 lines 23 to 27 (which point out that x_i can vary continuously rather than just taking a few discrete values). The variable parameter is more usefully referred to as a ‘reactivity parameter’ at page 19 line 23.

Accordingly, this entire application is now believed to be in allowable condition and a formal notice to that effect is respectfully solicited.

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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